

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EQUARN WHITE,

Petitioner,

-v-

JOSEPH NOETH,

Respondent.

Case # 18-CV-6849-FPG
TRANSFER ORDER

Pro se Petitioner Equarn White, an inmate at the Attica Correctional Facility, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 in the Eastern District of New York. ECF No. 1. Petitioner alleges that he was improperly deprived of good time credit in violation of his constitutional rights. Because Petitioner appeared to be challenging the denial of good time credits by Respondent Joseph Noeth, then Superintendent of the Attica Correctional Facility, the Eastern District transferred this action to the Western District of New York. ECF No. 4. However, Petitioner's state court challenge to the loss of good time credits was brought in Dutchess County. ECF No. 1 at 31. Moreover, while the Petitioner names Joseph Noeth as the respondent, Petitioner appears to claim that he was improperly deprived of good time credits while incarcerated at Green Haven Correctional Facility, which is also located in Dutchess County. *See id.* at 31-32.

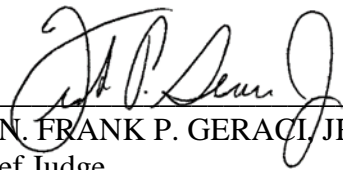
It has been brought to the Court's attention that the same petition is currently pending in the Southern District of New York. *See White v. Noeth*, No. 7:19-CV-97, ECF Nos. 1, 4. Both the petition (ECF No. 1) and the transfer order (ECF No. 4) filed in the Southern District case appear identical to those filed in this case. The Southern District has granted Petitioner *in forma pauperis* status and directed Respondent to answer the petition.

Because all records relating to Petitioner's challenge to the loss of good time credits are located in the Southern District of New York, this Court transfers the case there. *See, e.g., Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 499 (1973).

Accordingly, the Court's Scheduling Order (ECF No. 6) is VACATED except as to Petitioner's *in forma pauperis* motion, and the Court ORDERS that this case be transferred to the United States District Court for the Southern District of New York. Once the case has been transferred, the Clerk of Court is directed to mail a copy of this order to Petitioner and close the case.

IT IS SO ORDERED.

Dated: April 4, 2019
Rochester, New York



HON. FRANK P. GERACI, JR.
Chief Judge
United States District Court